

***[NO MINUTES WERE GENERATED ON MONDAY,
NOVEMBER 11, 2002, DUE TO THE COURT'S
OBSERVANCE OF VETERANS DAY.]***

1871

**SUPREME COURT MINUTES
TUESDAY, NOVEMBER 12, 2002
SAN FRANCISCO, CALIFORNIA**

S016883

PEOPLE v. MASTERS (JARVIS)
Extension of time granted

to January 6, 2003 to file respondent's brief. The court anticipates that after that date, only one further extension totaling 30 additional days will be granted. Counsel is ordered to take all steps necessary to meet this schedule.

S030402

PEOPLE v. TULLY (RICHARD C.)
Extension of time granted

to December 31, 2002 to file appellant's opening brief. Extension is granted based upon counsel Jolie Lipsig's representation that she anticipates filing that brief by December 31, 2002. After that date, no further extension will be granted.

S035348

PEOPLE v. SMITH (ROBERT LEE)
Extension of time granted

to January 3, 2003 to file appellant's opening brief. The court anticipates that after that date, no further extension will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S044834

PEOPLE v. JOHNS (RAYMOND F.)
Extension of time granted

to January 3, 2003 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S050851

PEOPLE v. DYKES (ERNEST E.)
Extension of time granted

to January 17, 2003 to file respondent's brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to take all steps necessary to meet this schedule.

S055652

PEOPLE v. FUIAVA (FREDDIE)
Extension of time granted

to December 31, 2002 to file appellant's opening brief. Extension is granted based upon counsel Michael Satris's representation that he anticipates filing that brief by December 31, 2002. After that date no further extension is contemplated.

S056766

PEOPLE v. LEON (RICHARD)
Extension of time granted

to January 14, 2003 to file appellant's opening brief. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S062417

PEOPLE v. SILVERIA & TRAVIS
Extension of time granted

to January 13, 2003 to appellant Silveria to request correction of the record. The court anticipates that after that date, only two

further extensions totaling 120 additional days will be granted. Counsel is ordered to inform the Santa Clara County Superior Court and his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and take all steps necessary to meet it. Counsel for appellant Silveria is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S068230

PEOPLE v. BUTLER, RAYMOND OSCAR
Extension of time granted

to January 6, 2003 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S107856

CREW (MARK CHRISTOPHER) ON H.C.
Extension of time granted

to November 27, 2002 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Supervising Deputy Attorney General Peggy Ruffra's representation that she anticipates filing that document by 11/27/2002. After that date, no further extension will be granted.

S109771

STOPYRO ON DISCIPLINE
Recommended discipline imposed

It is ordered that **EDWARD JOSEPH STOPYRO, State Bar No. 184872**, be suspended from the practice of law for two years and until he complies with the requirements of standard 1.4(c)(ii) as set forth more fully below, that execution of the suspension be stayed, and that he be placed on

probation for three years on condition that he be actually suspended for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Credit towards the period of actual suspension shall be given for the period of interim suspension which commenced on December 28, 2001. **Edward Joseph Stopyro** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 3, 2002. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2003, 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

S109774

FRIEDMAN ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ELLIOTT FRIEDMAN, State Bar No. 104441**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 9, 2002. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and

that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S109775

MALLOY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **BRENDA MALLOY, State Bar No. 88626**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 120 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California as recommended by the Hearing Department of the State Bar Court in its decision filed on May 22, 2002. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If respondent is actually suspended for two years or more, she shall remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order. Costs are

awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S109779**MAGAR ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **SUSAN J. MAGAR, State Bar No. 170061**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S111272**LOPEZ ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **MARCO ELOY LOPEZ, State Bar No. 71726**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S111273

HOWARD ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **GEORGE WILLIAM HOWARD, State Bar No. 124021**, as a member of the State Bar of California is accepted.

S111275

VERNIER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DONALD PAUL VERNIER, JR., State Bar No. 81119**, as a member of the State Bar of California is accepted.

S111278

HARVEY ON RESIGNATION
Resignation accepted with disciplinary proceeding pending

The voluntary resignation of **JAMES C. HARVEY, State Bar No. 91239**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)